

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

PREFERRED CAROLINAS REALTY, INC.,)	
)	
Plaintiff,)	Civil Action 1:13-cv-00181-TDS-LPA
)	
v.)	
)	
AMERICAN HOME REALTY NETWORK,)	
INC., D/B/A NEIGHBORCITY.COM,)	
)	
)	
Defendant.)	

JOINT RULE 26(f) REPORT

1. Pursuant to Fed.R.Civ.P. 26(f) and LR16.1(b), a meeting was held on June 10, 2013, by telephone and was attended by Bryan T. Simpson and Scott E. Murray for Plaintiff, and Larry McDevitt, Heather Whitaker Goldstein, Richard Toikka, Russell Paige, and Rachel L.T. Rodriguez for Defendant. Additional discussions were also had after a hearing with the Court on June 24, 2013. This joint report reflects the outcome of those meetings and discussions.

2. Discovery Plan. The parties propose to the Court the following discovery plan:

a. Discovery will be needed on the following subjects: Plaintiff's alleged ownership and registration of the copyrights identified in the Complaint; Defendant's alleged infringement of the Plaintiff's copyrights; Defendant's knowledge of Plaintiff's alleged copyrights; the likelihood that Defendant will infringe Plaintiff's copyrights in the future; whether Defendant's alleged infringement was willful; and additional areas relevant to the claims and defenses asserted in the pleadings. Defendant's proposed discovery will include, without limitation, Defendant's defense of copyright misuse. Plaintiff reserves the right to object to such discovery on multiple bases, including on the basis that Defendant has not specified facts making such a defense plausible.

b. Discovery shall be placed on a case-management track established in LR 26.1. The parties agree that the appropriate plan for this case is that designated in LR 26.1(a) as: Complex.

c. The date for the completion of all discovery (general and expert) is: January 1, 2014.

d. Reports from retained experts under Rule 26(a)(2) are due during the discovery period. From Plaintiff by September 1, 2013. From Defendant by October 1, 2013. Rebuttal from Plaintiff directed solely to contradict or rebut Defendant's expert(s)'s opinions by November 1, 2013.

e. Supplementations under Rule 26(e) are due: seasonably during discovery and at least 30 days prior to trial.

3. Mediation. Mediation should be conducted during the discovery period, with the date to be mutually agreed to by the parties. The parties have not agreed on a mediator.

4. Preliminary Deposition Schedule. Preliminarily, the parties agree to the following schedule for depositions: parties may notice depositions for any time during the discovery period. The parties agree to provide reasonable notice and to cooperate to schedule depositions for the earliest possible date reasonably requested by any other party. Plaintiff anticipates taking Defendant's deposition in August 2013. Defendant at this time does not have any anticipated dates for taking the deposition of Plaintiff or its witnesses. Plaintiff will make its witnesses available for deposition in Greensboro, NC, or at any other mutually-agreed upon location; Defendant will make its witnesses available for deposition where they work or reside, which in the case of Defendant and its employees will be San Francisco, CA, or at any other mutually-agreed upon location.

The parties will update this schedule at reasonable intervals.

5. Other items.

a. Plaintiff should be allowed until August 15, 2013, to request leave to join additional parties or amend pleadings.

b. Defendant should be allowed until August 31, 2013, to request leave to join additional parties or amend pleadings.

c. After these dates, the Court will consider, inter alia, whether the granting of leave would delay trial.

d. The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. §§636(c), or appointment of a master: The parties do not agree to consent to a Magistrate Judge, and they do not believe that appointment of a master is necessary.

e. Trial of the action is expected to take approximately seven (7) days; however, this estimate shall be revised as appropriate upon further discovery taken in this case. A jury trial has been demanded by Defendant.

Date: July 1, 2013

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